

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ERNEST J. GUTIERREZ,

Plaintiff,

v.

No. CV 09-0664 BB/RLP

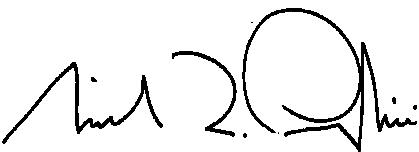
RON TORRES, et al.,

Defendant.

ORDER TO SHOW CAUSE

This matter is before the Court *sua sponte*. By order entered on October 16, 2009, the Court required Plaintiff to make an initial partial payment toward the filing fee. Plaintiff has made no payment or other response to the order, and his complaint may be dismissed for failure to comply with orders or statutory requirements. *See Baker v. Suthers*, 9 F. App'x 947, 950 (10th Cir. 2001). There is no constitutional violation in requiring an inmate to choose between prison purchases and litigation, *see Shabazz v. Parsons*, 127 F.3d 1246, 1248-49 (10th Cir. 1997), although the Court may not dismiss a complaint “on the grounds of poverty,” *Bell v. Whethel*, No. 97-6126, 1997 WL 639319, at *1 (10th Cir. Oct. 14, 1997). Because Plaintiff has failed to make the required payment, the Court will require him to show cause why his complaint should not be dismissed. Failure to comply with this Order may result in dismissal of the complaint without further notice.

IT IS THEREFORE ORDERED that, within fourteen (14) days from entry of this Order, Plaintiff must make the payment required by the order of October 16, 2009, or show cause why his complaint should not be dismissed.



Richard L. Puglisi
UNITED STATES MAGISTRATE JUDGE

